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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,437	10/18/2001	Steve Brandstetter	P/94-2	6647

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EXAMINER	
ONEILL, MICHAEL W	
ART UNIT	**PAPER NUMBER**
3713	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/982,437	BRANDSTETTER ET AL.	
	Examiner	Art Unit	
	Michael O'Neill	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claim 13 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The limitation of "the interactive sign comprising a bonusing event" is not clearly defined in the specification. The specification appears silent with respect to what constitutes "a bonusing event". The specification appears only state that "a or the" "bonusing event" occurs because of a trigger event. What is clearly defined is the interactive sign comprising a LCD screen where a player enters bonus play, see page 13, lines 2-3, of the instant specification.

Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement and the written description requirement for the below claim limitation. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the

art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Moreover, the claim contains subject matter, see below, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The limitation of "wherein players playing said linked gaming machines who enter said bonusing event compete against each other on said interactive sign" is non-enable nor adequately described by the specification. The specification does not explain how the players would compete against each other. The specification appears to be enabling only for competition between a player on the gaming machine and the interactive sign, see page 13, line 2-3, of the instant specification.

Claim Rejections - 35 USC § 103

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acres '567 and Stephan '277.

Acres discloses, teaches and suggests a plurality of gaming machines (10) linked together, see fig. 2, connected to an interactive sign (42). As disclosed a bonusing computer (38) and animation computer (40) that can be consider part of the interactive sign as well. When a triggering event occurs a

signal is sent through the network of gaming machines. The trigger event is the total number of coins played by the player. The triggering event initiates a secondary game and a tertiary game, together deemed the bonus event, and half of this bonus event is common to the group of gaming machines; while the tertiary game is available to those players to play the largest amount of coins, thus there is competition between the players to play in order to reach the tertiary and win the bonus amounts given in both the secondary game and the tertiary. It is disclosed that the triggering event is the amount of coins played; however, it is silent as to what the games, the bonus event, constitute. Stefan '277 discloses and teaches a gaming system where players compete against each other for the top prize; i.e. the highest ranked player wins the bonus money. As described by Stephan, players play linked gaming machines as fast as they can to achieve the highest payout per machine, this is the player competing against each other and portions of their bets pool the bonus payout. The gaming machines are disclosed as being linked together via a central computer. The interactive sign for Stephan is the portion of the video display at each gaming machine that shows the amount of the bonus. Because, this is common to all gaming machines it is deemed to be an interactive sign, because the players are competing for

winning the jackpot from their respective machines. Also, disclosed as a competition among the players is the players trying to achieve the highest ranking poker hand. The player that achieves the highest rank in either scenario describe above wins the bonus payout. Furthermore, it would be obvious to one of ordinary skill in the art to have the bonus payout shown on one main display because this would permit visitors to see as well as the players the bonus payout accumulate during the competition time period and then see the winning player of the bonus payout. Thus, in an analogous device, Stefan, teaches and suggest that the bonus event can be a competition among players to see who can play the fastest. The players are ranked by the number of coins played per unit time and the player that plays the largest amount of total coins is the player with the highest rank and wins the bonus payout. Therefore, one skilled in the art would find it obvious to incorporate to two discloses and teachings together to form one linked gaming system which allows players to compete to win the bonus in order to a common secondary game, a part of the bonus event, shared with adjoining machines so that the element of competition among players is given and the enjoyment of spectators is enhanced to which is what Acres disclosed invention is trying to solve.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Demar et al., EP 0 981 119 A2.

Demar et al. discloses a gaming machine system (10) comprising at least two gaming machines (12a-12p) linked together, see figure 2 where it is disclosed the network setup with system controller (15), where said gaming machines (12a-12p) are linked to an interactive sign (20), again see figure 2 where it is disclosed (20) is a centralized video display (20) and para [0041] where it is disclosed that the display (20) may comprise several display means: CRT, LCD, LED or electro-luminescent. Wherein Demar also discloses the interactive sign comprising a bonusing event, see figure 1 and para [0013] where it is disclosed the interactive sign (20) mirrors what is being displayed on local display (14) which is used by a gaming machine (12) to display the bonus game to the player. Although, Demar does not expressly disclose the limitation "wherein players playing said linked gaming machines who enter said bonusing event compete against each other on said interactive sign" a reading of Demar can have this limitation inferred given human nature and a particularly embodiment taught in paras [0031]-[0033]. The preferred embodiment of Demar discloses the interactive sign (20) and the controller (15) wait until one gaming machine (12) finishes playing its bonus round until

another gaming machine (12), see paras [0031-0032]. However, in an alternative embodiment as described in para [0033], a preemptive scheme can be used to preempt a current bonus game being displayed on sign (20) to another bonus game from another gaming machine (12) when an "award threshold" has been reached. It is presumed that most people are naturally competitive for attention, if the Applicant degrees with this presumption an affidavit under Rule 132 may be used to counter this presumption. Because the objective of the disclosed invention in Demar is to attract attention, see para [0005], one of ordinary skilled in the art understanding player's psychology would find it obvious that by nature if the alternative embodiment was set up in a casino environment that players on the gaming machines (12) would naturally compete by trying to reach the award threshold level in order to have there particular bonus event displayed in the interactive sign (20).

Response to Arguments

Applicants' arguments filed 2-16-2005 have been fully considered but they are not persuasive.

Responding to the Applicants allegations to the 112, first paragraph rejections, the Examiner notes that Applicant has failed to directly point to what passages, direct quoted sentences, either by directly quoting them in the remarks or

providing the line numbers within the specification to which the support for the Applicants allegations. Instead the Applicant directs attention to particular pages. The Examiner has reviewed those pages and finds nothing to support a clear definition of a bonusing event being a interactive sign as claimed within claim 13. What the Examiner has seen is a "wishful thinking" regarding this limitation with respect to the objectives of the invention and one concrete and tangible structure statement found on page 13, line 2-4: "The interactive sign (40) is an LCD Screen where the player entering the bonusing event plays one on one with the Casino Dealer shown on the interactive sign 40." This appears to be the only adequately described and enabled embodiment of the disclosed invention regarding a correlation between the interactive sign and the bonusing event. Responding to the Applicants allegations found on page 5 regarding the competitive limitation in claim 13, first the statements presented are mere speculation and not one statement has support within the originally filed disclosure as demonstrated by the fact that the Applicants fail to cite to the specification by page and line number. Moreover, what is alleged within page 13 is not commensurate in scope to what is disclosed within the originally filed specification. The conclusion drawn within the latter portion of the last

paragraph of page 5 in the Applicants remarks cannot be substantiated by the originally filed disclosure as evidenced by the fact that the Applicants failed to provide a page and line number to support these bald conclusionary statements found therein on page 5, lines 14-20, of Applicants remarks.

Responding to Applicants arguments regarding that there is nothing taught in either Stefan or Acres to play a secondary bonusing event on an interactive screen and for players to compete on the interactive screen, if such was taught in either Acres or Stefan then the Examiner would have an anticipatory rejection instead of a nonobvious rejection basically with line of reasoning the Applicants are arguing the references individually; instead of viewing the references in the totality for what each reference teaches and suggests and how each reference compliments the other and why one skilled in the art would be motivated to combine in order to fulfill the objectives of either reference. In further response to Applicants' arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references show competitive-like games within the gaming arts.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael O'Neill whose telephone number is 571-272-4442. The examiner

can normally be reached on Monday through Friday 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MICHAEL O'NEILL
PRIMARY EXAMINER